



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kristin Feeley et al. Art Unit : 3763
Serial No. : 10/786,021 Examiner : Catherine Williams
Filed : February 26, 2004 Conf. No. : 2923
Title : ANTIMICROBIAL AGENT DELIVERY SYSTEM

Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY TO ACTION OF FEBRUARY 23, 2007

In reply to the Office Action of February 23, 2007, Applicant submits the following remarks. Claims 1-6 and 9-20 are pending, with claims 6, 9-11, 13 and 20 being withdrawn from consideration.

The Examiner rejected claims 1-4, 12, and 18-19 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,595,230 ("Suyeoka") in view of U.S. Publication No. 2003/0175323 ("Utterberg") and in further view of U.S. Publication No. 2003/0212373 ("Hall")

Claims 1-4, 12, and 18-19 cover systems that include an antimicrobial agent-bearing intervention device and a delivery tube having a perforated longitudinal partition with an opening.

Without conceding that Suyeoka could be properly construed as disclosing the other elements required by claims 1-4, 12 and 18-19, as admitted by the Examiner, Suyeoka does not disclose an antimicrobial agent-bearing intervention device. (Office Action at 2.) Thus, Suyeoka does not disclose the systems covered by claims 1-4, 12, and 18-19. Contrary to the Examiner's assertion, however, there is no suggestion to modify Suyeoka to provide a system

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